

Attorney's Docket No. MTC 2001.1 (37-21(53620)B)

**DECLARATION AND POWER OF ATTORNEY**

**REGULAR OR DESIGN APPLICATION**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

APPARATUS, METHODS AND PROCESSES FOR SORTING PARTICLES AND FOR PROVIDING SEX-SORTED ANIMAL SPERM

the specification of which:

(check one)

- ☐ is attached hereto
- ☒ was filed on March 29, 2004 as Application Serial No. 10/812,351.
- ☐ was described and claimed in PCT International Application No. \_\_\_\_\_, filed on \_\_\_\_\_ and as amended under PCT Article 19 on \_\_\_\_\_, if any.

**ACKNOWLEDGEMENT OF REVIEW OF PAPERS AND DUTY OF CANDOR**

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations '1.56.

### PRIORITY CLAIM

I hereby claim foreign priority benefits under Title 35, United States Code, '119 (a) - (d) or '365(b) of any foreign application for patent or inventor's certificate, or '365(a) of any PCT application which designates at least one country other than the United States of America, listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

#### Priority Claimed

<u>(Number)</u>	<u>(Country)</u>	<u>(Day/Month/Year Filed)</u>
<u>(Number)</u>	<u>(Country)</u>	<u>(Day/Month/Year Filed)</u>
<u>(Number)</u>	<u>(Country)</u>	<u>(Day/Month/Year Filed)</u>

#### Priority Not Claimed

ANY FOREIGN APPLICATION(S), ON THE SAME SUBJECT MATTER WHICH HAS A FILING DATE EARLIER THAN THE EARLIEST APPLICATION FROM WHICH PRIORITY IS CLAIMED

<u>(Number)</u>	<u>(Country)</u>	<u>(Day/Month/Year Filed)</u>
-----------------	------------------	-------------------------------

#### CLAIM FOR BENEFIT OF PROVISIONAL APPLICATION(S)

I hereby claim the benefit under Title 35, United States Code, '119(e) of any United States provisional application(s) listed below.

<u>60/458,607</u>	<u>03/28/2003</u>
(Application Number)	(Filing Date)
<u>60,458,731</u>	<u>03/28/2003</u>
(Application Number)	(Filing Date)

(complete this part only if this is a divisional,  
continuation or CIP application)

(Serial No.)	(Filing Date)	(Status)
(Serial No.)	(Filing Date)	(Status)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

**OFFICIAL SEAL**  
**CAROLYN A. JOHNSON**  
NOTARY PUBLIC, STATE OF ILLINOIS  
MY COMMISSION EXPIRES 8/15/07  
COM. # 403841  
*Carolyn A. Johnson*

BEST AVAILABLE COPY

Full name of second joint inventor Jeffrey D. Wallace

Second inventor's signature Jeffrey D. Wallace Date 12/7/04

Residence Rantoul, Illinois Citizenship US

Post Office address 666 Autumn Fields Lane, Rantoul, IL 61866

---

BEST AVAILABLE COPY

Full name of third joint inventor Gary P. Vandre


Third inventor's signature *Gary Vandre* Date 12/13/04

Residence Mahomet, Illinois Citizenship US

Post Office address 105 Sharon Drive, Mahomet, IL 61853

---

BEST AVAILABLE COPY

Full name of fourth joint inventor Lon A. Westfall  
Fourth inventor's signature  Date 12/13/04  
Residence Mahomet, Illinois Citizenship US  
Post Office address 1007 Timber Drive, Mahomet, IL 61853

---

BEST AVAILABLE COPY

Full name of fifth joint inventor Jeremy T. Hatcher


Fifth inventor's signature  Date 12-8-04

Residence Urbana, Illinois Citizenship US

Post Office address 509 East Shurts Street, Urbana, IL 61801

---

BEST AVAILABLE COPY

Full name of Sixth joint inventor Niraj V. Nayak  
Sixth inventor's signature  Date 12/9/04  
Residence Redondo Beach, California Citizenship US  
Post office address ~~504 Avenue G, Apt. #24~~ 301 Knob Hill Ave #25  
Redondo Beach, CA 90277